

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:21-cr-43

JEREMY TYLER SWINK,

HON. ROBERT J. JONKER
Chief United States District Judge

Defendant.

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JOINT MOTION FOR A RULE 16(d) PROTECTIVE ORDER

The United States of America, by and through its counsel, United States Attorney Andrew Byerly Birge and Assistant United States Attorney Justin M. Presant, and Jeremy Tyler Swink, by and through his counsel, Helen C. Nieuwenhuis, respectfully and jointly move pursuant to Federal Rule of Criminal Procedure 16(d) for a protective order that limits the use and dissemination of certain material and information produced by the parties in discovery in this case. The proposed order submitted with this motion mirrors the order entered in the related case, United States v. Boden et al., No. 21-cr-40.

Discovery Materials to be produced by the government in this case include various documents and records that contain confidential “personally identifiable information” (“PII”) such as phone numbers, residential addresses, account numbers, financial records, and other sensitive personal information. All parties have an obligation to protect PII. Redaction of the Discovery Materials is impractical both because of the volume of the Discovery Materials and because of defense counsel’s need for the underlying information to defend the case.

Accordingly, the parties respectfully request an order restricting use of the Discovery Materials to purposes solely for the preparation of the defense, and prohibiting disclosure of the

Discovery Materials except as necessary to the preparation of the defense in this case, and such determination of necessity is to be made by counsel for the defendant, not by the defendant himself. In addition, the government requests the order provide that disclosure of the Discovery Materials be limited to: (1) members of the defense team in this case, these being co-counsel, paralegals, investigators, litigation support personnel, the defendant, and defense secretarial staff; (2) any experts or consultants used to assist in the preparation of the defense of this case; (3) any potential witnesses interviewed by the defense team in the criminal case if it is determined that it is necessary to display records to such witnesses for the purpose of preparing the defense of this criminal case; and (4) the Court in connection with proceedings in this case.

The government further requests that counsel for the defendant shall not allow her client to retain un-redacted copies of the Discovery Materials containing PII except as provided for in the proposed order. The parties respectfully request that the Court enter the proposed order submitted with this motion.

Respectfully submitted,

ANDREW BYERLY BIRGE
United States Attorney

Dated: April 2, 2021

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